

December 20, 2004

Dear Kansas Legislator:

Congratulations to the new among you and welcome back to you veterans.

I should explain to the new legislators and remind the returnees that we've had an arrangement for several years wherein I submit this letter to you annually at this time of the year. This letter then takes the place of a beautifully-bound, costly publication entitled, "KBI Annual Report", which you might have placed, unread, on a shelf.

This letter, hopefully, contains important observations and data, relevant facts and figures, appropriate statistics, good news and bad news, and we all agree to consider it the "KBI Annual Report".

Together, we save thousands of tax dollars. You save shelf space and we both save precious time. And, hopefully, the "Report" is brief enough, and of sufficient interest, that it is read.

Thus, you are now reading the "KBI Annual Report for 2004".

Actually, this opportunity to point out to you some of the remarkable feats accomplished by the remarkable men and women of the KBI is one of my favorite responsibilities. And I appreciate, as well, this opportunity to thank the Kansas Legislature for past support and future considerations in these budget-challenging times, while sharing some concerns.

Kansas, as I am fond of saying, continues as a model of law enforcement cooperation. With barely 7,000 municipal, county, state and federal law enforcement officers in our entire state, to serve approximately 2,700,000 Kansas citizens, the Kansas law enforcement community learned long ago that law enforcement cooperation, with a mutual pooling of resources, is the best way to effectively combat crime.

And certainly, with 72 percent, almost three-fourths, of all Kansas law enforcement agencies having 10 or fewer full-time commissioned officers, and with an incredible 49 percent, nearly half, of all Kansas law enforcement agencies having 5 or fewer full-time commissioned officers, the KBI's thinly-stretched resources have never been more important to the Kansas law enforcement community and the Kansas criminal justice system. Nor cooperation more necessary.

As I've explained to my boss, Kansas Attorney General Phill Kline, and I now want to share with you, we've taken several steps to conserve those precious KBI resources, in order to continue that vital cooperation as best we can.

First, we've prioritized our responses to law enforcement requests for investigative and forensic assistance. Investigatively, we're still coming when called about homicides, other violent crime, major narcotic activity, in-custody deaths, homeland security, terrorism, anything resembling an emergency, etc. The same thing is true on the forensic front. Especially in prosecutive matters.

Then, we're holding 17 of our 81 authorized special agent positions vacant for budgetary reasons. We, however, must fill some of those agent vacancies around the state soon. That particular need is a top priority, budgetarily.

Making civic presentations, which we dearly love to do, is now low in priority. As are routine follow-ups on crime line calls or web tips and investigation of level III, IV and V narcotics offenders.

And, incredibly, our agency has only one attorney and one certified pilot for our KBI aircraft, but we'll keep it that way for a bit.

We have sharply curtailed our law enforcement training efforts. Both training for our own agents (2 firearms sessions instead of 4 and cancellation of our annual in-service training at Topeka) and local law enforcement as well. (We have cancelled, regrettably, at least 6 scheduled KBI schools for local law enforcement this year.) As a believer in more training, not less, these steps were painful.

We've also greatly reduced expensive undercover operations. We'll initiate no new programs this year and, in an especially painful action for me personally, I have temporarily suspended our KBI High Risk Warrant Team (HRWT), a very popular asset with local law enforcement. Temporarily suspended, not eliminated, mind you.

We are only replacing broken or outdated investigative and forensic equipment when that equipment is absolutely critical to address our core responsibilities.

Those are a few of our budgetary steps. There are many more. Nonetheless, there is considerable good news. Despite fiscal constraints, much has been accomplished:

- ! From 1/01/03 through 12/14/04, KBI personnel arrested 888 subjects.
- ! From 1/01/03 through 12/14/04, KBI personnel obtained 489 criminal court convictions. Does not include local cases wherein KBI agents and/or forensic scientists assisted and/or testified.
- ! Since 7/01/04 (new In-custody Death Investigation Law) we have worked 28 in-custody deaths for Kansas law enforcement and/or Corrections.
- ! KBI, this year, set up 7 Agro-Terrorism Regional Response Teams across the state with 2 KBI agents on each of the 7 different 3-person teams.

- ! KBI, this year, with the Kansas Adjutant General and the Kansas Highway Patrol, created the Kansas Threat Integration Center (KSTIC) to assist Kansas law enforcement in protecting our state through enhanced gathering and dissemination of criminal and terrorist intelligence information.
- ! KBI, this year, continued the assignment of 2 KBI agents, each with exceptional computer expertise, to 2 FBI-driven multi-agency cybercrime task forces addressing computer crimes in Kansas. One agent is assigned to the nationally-acclaimed FBI Heart of America Regional Computer Forensic Laboratory (HARCFL) and the other to the FBI Cyber Crimes Task Force. Both efforts are recording impressive arrest-conviction statistics and are personal favorites of Attorney General Kline, who strongly supported their respective creations and the KBI participation in both.
- ! KBI, since March, 2004, has had 2 agents of our popular KBI Cold Case Squad assigned to the Wichita Police Department's "BTK" Task Force to assist in the eventual identification and apprehension of that nationally-infamous serial killer. Our forensic laboratory has assisted Wichita authorities, as well. In fact, 17 KBI employees have contributed to the "BTK" effort this year. He will be captured and prosecuted.
- ! KBI, for the past 2 years, has assigned an agent of the KBI Cold Case Squad to work with the Prairie Village Police Department in the identification and apprehension of the killer of 13-year old Liz Wilson, 7/07/74. John Henry Horton was arrested, and then convicted in Johnson County, Kansas, September 27, 2004, thanks to those joint efforts. KBI Senior Special Agent Brad Cordts, for his efforts in the Horton case, has been commended by the Kansas Association of Chiefs of Police, the Kansas City Metropolitan Chiefs and Sheriffs Association, the Prairie Village Police Department and Johnson County District Attorney Paul Morrison.
- ! The long arm of the KBI's Cold Case Squad even extended to Costa Rica this year as the special agent in charge of that 3-man squad, Larry Thomas, worked to bring justice in the murder of Shannon Martin, a Topeka resident and KU student working on a college project in that Central America nation. She was robbed and stabbed to death, 5/13/01. During several trips, SAC Thomas worked several weeks with Costa Rican authorities to jump-start their stalled, cold investigation. His investigative and prosecutive efforts were directly responsible for the successful prosecution this year of 2 of Shannon's 3 killers, bringing delayed justice in the murder of a Kansas citizen in a foreign country. SAC Thomas was commended by Costa Rican authorities.
- ! In addition to the aforementioned Wichita "BTK" Task Force and the 2 FBI cybercrimes multi-agency endeavors, the KBI also is a participant in the Kansas Criminal Justice Coordinating Council; the Governor's Council on Homeland Security; the Governor's "Meth" Task Force; the Attorney General's Task Force on Crime and Sentencing; the Southeast Kansas Drug Enforcement Task Force; the FBI Joint Terrorism Task Force; the U.S. Attorney's Anti-Terrorism Advisory Council; the Kansas Anti-Terrorism Working Group; Midwest HIDTA; the

Homeland Security Working Group; the Midwest Counterdrug Training Center; DEA Task Forces at Overland Park and Wichita; the Department of Justice Project Safe Neighborhood Program; the Kansas Methamphetamine Prevention Program; the FBI Kansas City Criminal Intelligence Unit; the Cowley County Drug Task Force; the Kansas Threat Integration Center; the Drug Endangered Children Program; the Kansas Retailer Meth Watch Program; and the Amber Alert Program, among other endeavors.

- ! Most KBI narcotic efforts address marijuana, "meth" and cocaine. Approximately 545 "meth labs" will be seized by Kansas law enforcement this calendar year. 75-80 percent of our "meth", however, still comes from Mexico. While the lab seizure number this year represents the lowest in several years, we remain in the nation's top 10 states in such seizures.
- ! Oklahoma passed legislation this year regulating pseudoephedrine products. Kansas border counties report a dramatic increase in incoming traffic of Oklahoma druggers seeking precursors for "meth" manufacture. We share the interest of Governor Kathleen Sebelius and Attorney General Phill Kline in the possibility of similar legislation in Kansas. (My Oklahoma counterparts advise their "meth labs" are down 65 percent as a result of their new law.)
- ! The KBI Forensic Laboratory "CODIS" Section has had more than 100 cold, nonsuspect DNA hits this year. "CODIS" stands for Combined DNA Indexing System. It's a powerful law enforcement weapon in unsolved murders and rapes. (A murder conviction in Montgomery County District Court, October 28, obtained by Attorney General Kline's staff, was the first "blind hit" murder conviction for our "CODIS". A 9-year old case!)
- ! The KBI joined with the Kansas Highway Patrol and out-of-state counterdrug allies to again sponsor the highly-acclaimed "TOP GUN" Narcotics and Prosecutors School at Salina. The intense, unique one-week school graduated 90 Kansas officers and prosecutors in "TOP GUN I" in 2003 and 102 Kansas officers and prosecutors in "TOP GUN II" this year.
- ! 7 KBI forensic scientists serve as national accreditation inspectors for the American Society of Crime Laboratory Directors (ASCLD), assisting in regular crime laboratory inspections across our nation. An impressive honor for them (Mike VanStratton, Carl Anderson, Lisa Burdett, Steve Koch, Larry Mann, TL Price and Sindey Schueler) as well as for the KBI.
- ! All 4 KBI forensic laboratories, Topeka, Great Bend, Pittsburg and Kansas City, by the way, received ASCLD national re-accreditation this year.
- ! In March the KBI and the Information Network of Kansas (INK) created the Public Access System (PAS) permitting public access to criminal history records via the internet. The innovative, highly-acclaimed system is now experiencing approximately 700 record checks weekly from all across the state, nation and world. (Do the crime now and you're online.)

- ! Electronic offense reporting improved greatly this year. The KBI now receives electronic data to the Kansas Incident Based Reporting System (KIBRS) from 103 Kansas law enforcement agencies.
- ! 26 agencies now submit fingerprint cards electronically to the KBI through Livescan devices, another example of technology replacing paper. (Last year we commenced submitting fingerprint records to the FBI electronically, ending the era of mailing the cards to Washington, D.C.)
- ! The KBI is now connected electronically to the FBI's Integrated Automatic Fingerprint Identification System (IAFIS). With the new electronic submission of fingerprints and booking data, both the KBI and FBI can now advise the submitting Kansas law enforcement agency of the subject's true identity within hours.
- ! The KBI's own High Technology Crime Unit of 3 special agents, from 1/01/03 until 10/28/04, completed 213 computer-related cases for Kansas law enforcement. The bad news is they can accept only a fraction of the requests received.
- ! The word "backlog" has been eliminated from the vocabulary of the KBI Laboratory Chemistry Section, both for drug possession analysis and "meth lab" cases.
- ! Our KBI Laboratory Director, Mike VanStratton, who, by the way, has personally processed more than 400 homicide crime scenes, is one of only 29 certified examiners in the world in bloodstain pattern analysis.
- ! One of our KBI Laboratory supervisors, Steve Koch, chief of the Latent Fingerprint Section, is one of only 46 certified examiners in the world in footwear comparison.
- ! Our KBI Laboratory Biology-DNA Supervisor Sindy Schueler serves on the National DNA Advisory Board, which sets national DNA policies and procedures. She is a Ph.D candidate at KU in Population Genetics.
- ! Our turn-around time in Toxicology is now 30 days. 90 days in Latents. There is no backlog in CODIS, but we do have backlogs in DNA casework and firearms. And outsourcing of DNA samples has ended. We've caught up there.
- ! Mexican black-tar heroin continues to be available sporadically throughout Kansas and we remain a popular interstate trafficking route for cocaine. Marijuana, of course, sadly, continues to be available throughout our state.
- ! Special Agent in Charge Randy Ewy, KBI Wichita, was named 2004 Law Enforcement Officer of the Year by the Wichita Crime Commission.
- ! 2 of our senior special agents, Cindy Smith and Dave Schroeder, achieved the prestigious status of Certified Forensic Computer Examiner with the

International Association of Computer Investigative Specialists, a remarkable feat and exceptional distinction in law enforcement.

- ! 2 of our KBI chemists, Dwain Worley and Jim Schieferecke, discovered a new way to detect red phosphorus in methamphetamine and their research was honored and published this year in a leading forensic science journal, The Journal of Analytical and Applied Pyrolysis.
- ! KBI Special Agent Rosebrough, Pittsburg, was instrumental in the development of the Kansas Drug Endangered Children Program in Crawford County.
- ! Special Agent in Charge Kelly Ralston, Great Bend, graduated this year from the prestigious FBI National Academy, Quantico, Virginia, considered the West Point of law enforcement. The KBI has had such a graduate each year for the past 10 years. The 3-month management training program is free.
- ! KBI DNA continues to eliminate, exclude and exonerate far, far more suspects than it incriminates. And rightfully so.
- ! This year we installed new Cyanoacrylate Fuming Chambers in our KBI forensic laboratories at Topeka, Great Bend and Pittsburg. (If you watch any of the CSI television programs, you know this is state of the art equipment for developing latent fingerprints.) Purchased with federal grants.
- ! KBI Assistant Director Chuck Sexson was honored this year by SEARCH, the National Consortium for Justice and Statistics and also by the Kansas Criminal Justice Coordinating Council for his leadership in the Kansas Criminal Justice Information System Improvement Project, 1994-2004. That's good news. The bad news is that Chuck, after 32 years of distinguished KBI service, is retiring January 1, 2005.

Well, those are a few of the highlights, good and bad, of the KBI year for 2004. I apologize for losing control of the length of this letter. Brevity is difficult when you're describing the performance of the men and women of the KBI.

Even in times of tight budget restrictions, as you can see, the KBI's contributions to the Kansas law enforcement community and the Kansas criminal justice system are far out of proportion to the size of our agency.

I'll close by noting that 46 percent of the Fiscal Year 2004 KBI budget came from our own special fees charged to convicted offenders and non-law enforcement clients and from federal grants. My first full year as KBI director, 1995, a mere 14 percent of our budget came from our own special fees and federal grants.

I realize that education and health care are among your top priorities. Please also remember public safety and the KBI in your challenging deliberations on how best to assist our citizens. Attorney General Phill Kline has pledged his support in making public safety and the KBI additional fiscal priorities.

In the next few weeks I'll follow this "Report" with letters specifically on methamphetamine and the KBI continuing response to September 11 and its aftermath.

In behalf of the men and women of the KBI, I wish you and yours a Safe and Happy Holiday Season.

Sincerely,

Larry Welch
Director

LW/pja

cc: Governor Kathleen Sebelius
Attorney General Phill Kline